IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10806 OF 2004

Babu Raghunath Mali ...Petitioner
V/s.
Shri Manjitsingh Gurdayalsingh Chhabda & Ors. ...Respondents

Shri G.S. Godbole for the Petitioner.

CORAM : V.M. KANADE, J.

DATED : MARCH 5, 2007

P.C. :-

1. Heard the learned Counsel for the petitioner.

2. The petitioner takes exception to the order passed by the trial court dated 7th September, 2004 whereby the application filed by the respondent nos.5 to 8 therein was allowed. The petitioners-original plaintiffs were directed to add these respondent nos.5 to 8 to add as party respondents and amend the plaint accordingly.

3. The learned Counsel for the petitioner submits that the present respondent nos.5 to 8 are not necessary parties. He has invited my attention to the prayer

clause in the suit which is filed by him and submitted that even if the suit is decreed, no prejudice is caused to these respondents.

4. Considering the facts and circumstances of the case and after having perused the order, I see no reason to interfere with the impugned order while exercising writ jurisdiction under Article 227 of the Constitution of India. The respondents in their application claim to have interest in the property and therefore, in my view, they are necessary parties.

5. Writ petition, therefore, is dismissed. It is clarified that it is open for the petitioner to make an appropriate application before the appropriate court for clubbing of the suit which are filed by the parties. Hearing of the suit is expedited.

(V.M. Kanade, J.)